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Attorneys for Defendant
FIRST ADVANTAGE LNS SCREENING
SOLUTIONS, INC.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

ODDIE L. JONES; and JEROME
COLLINS,

Plaintiff,

v.

LEXISNEXIS RISK SOLUTIONS,
INC., d.b.a. CHOICEPOINT, a foreign
corporation doing business in
California; and Does 1-10, inclusive,

Defendants.

Case No. 2:14-cv-3070

NOTICE OF REMOVAL

*[Filed concurrently with Certificate of
Interested Parties Pursuant to
Fed. R. Civ. Proc. 7.1, Civil Cover
Sheet, and Disclosure Statement]*

Date Action Filed: December 19, 2013

TO THE UNITED STATES DISTRICT COURT FOR THE CENTRAL
DISTRICT OF CALIFORNIA AND TO PLAINTIFFS AND THEIR
ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that Defendant, FIRST ADVANTAGE LNS
SCREENING SOLUTIONS, INC.,¹ incorrectly identified in Plaintiffs' Complaint

¹ Pursuant to an agreement reached between the parties on or about March 6, 2014, Defendant's counsel agreed to accept service of the Summons and Complaint on behalf of Defendant. Accordingly, Defendant's counsel executed and sent a Notice and Acknowledgement of Receipt form on behalf of First Advantage LNS Screening Solutions, Inc. to Plaintiffs' counsel on March 26, 2014. First Advantage Corporation acquired LexisNexis Screening Solutions, Inc. on February 28, 2013, and this entity, which is now known as First Advantage LNS Screening Solutions, Inc., is responsible for any judgment in this action.

as LEXISNEXIS RISK SOLUTIONS, INC., hereby removes the above-referenced action from the Superior Court of the State of California for the County of Los Angeles, to the United States District Court for the Central District of California pursuant to 28 U.S.C. §§ 1331, 1441, and 1446.

TIMELINESS OF REMOVAL

1. This removal involves an action that was filed in the Superior Court of the State of California for the County of Los Angeles, entitled *Oddie Jones and Jerome Collins v. LexisNexis Risk Solutions, Inc.*, Case No. BC 531182. The Summons and Complaint are attached as Exhibit A.

2. Defendant executed and returned to Plaintiffs' counsel the Notice and Acknowledgement of Receipt of the Summons and Plaintiffs' Complaint on March 26, 2014. The executed acknowledgement form is attached as Exhibit B.

3. Defendant filed its Answer to the Complaint in California State Court on April 21, 2014. A conformed copy of the answer is attached as Exhibit C.

4. The Notice of Removal is timely as it has been filed within thirty days of Defendant's execution of the Notice of Acknowledgment of Receipt of the and Summons and Plaintiffs' Complaint on March 26, 2014.

5. Exhibits A-C constitute all pleadings, process, and orders filed in this action.

FEDERAL QUESTION JURISDICTION

6. This action is one over which this Court has original jurisdiction under 28 U.S.C. § 1331, and may be removed by Defendant pursuant to 28 U.S.C. § 1441 in that it is a civil action over which the district courts have original jurisdiction founded on claims arising under the laws of the United States. Plaintiffs' claims are premised solely on alleged violations of the Fair Credit Reporting Act, 15 U.S.C. § 1681 *et seq.* ("FCRA"). Specifically, Plaintiffs bring claims under 15 U.S.C. §§ 1681e(b), 1681k, and 1681b(b)(1)(A)(ii).

EXHIBIT “A”

SUM-100

SUMMONS (CITACION JUDICIAL)

NOTICE TO DEFENDANT: (AVISO AL DEMANDADO):

LexisNexis Risk Solutions, Inc., d.b.a. ChoicePoint, a foreign corporation doing business in California, Does 1-10 inclusive,

YOU ARE BEING SUED BY PLAINTIFF: (LO ESTÁ DEMANDANDO EL DEMANDANTE):

Oddie L. Jones; and Jerome Collins

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

CONFORMED COPY
ORIGINAL FILED
Superior Court Of California
County Of Los Angeles

DEC 19 2013

Sherri R. Carter, Executive Officer/Clerk
By: Amber Hayes, Deputy

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. **¡AVISO!** Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 o más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:
(El nombre y dirección de la corte es): Los Angeles Superior Court
Stanley Mosk Courthouse
111 N. Hill St., Los Angeles, CA 90012

CASE NUMBER:
(Número del Caso): **BC531182**

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:
(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):
Devin H. Fok Esq., P.O. Box 7165, Alhambra, CA 91802; 310-430-9933

DATE: 12/19/2013
(Fecha)

Sherri R. Carter

Clerk, by
(Secretario)

Amber Hayes

, Deputy
(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)
(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

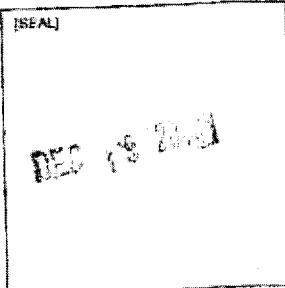
NOTICE TO THE PERSON SERVED: You are served

- ☐ as an individual defendant.
- ☐ as the person sued under the fictitious name of (specify):

- ☒ on behalf of (specify):

- | | |
|---|---|
| under: <input checked="" type="checkbox"/> CCP 416.10 (corporation) | <input type="checkbox"/> CCP 416.60 (minor) |
| <input type="checkbox"/> CCP 416.20 (defunct corporation) | <input type="checkbox"/> CCP 416.70 (conservatee) |
| <input type="checkbox"/> CCP 416.40 (association or partnership) | <input type="checkbox"/> CCP 416.90 (authorized person) |
| <input type="checkbox"/> other (specify): | |

- ☐ by personal delivery on (date):



90221
A6100

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FILED
Superior Court Of California
County Of Los Angeles

DEC 19 2013

Sherri R. Carter, Executive Officer/Clerk
By: [Signature] Deputy
Amba Hayes

A NEW WAY OF LIFE REENTRY PROJECT
Joshua E. Kim, Esq. (SBN #257260)
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Attorneys for Plaintiff
ODDIE JONES
JEROME COLLINS

574 Teresa Sanchez
Gordon

**LOS ANGELES COUNTY SUPERIOR COURT
CENTRAL DISTRICT - STANLEY MOSK COURTHOUSE**

ODDIE L. JONES; and JEROME COLLINS
Plaintiff,

vs.
LEXISNEXIS RISK SOLUTIONS, INC.,
d.b.a. CHOICEPOINT, a foreign corporation
doing business in California, and DOES 1-10
inclusive,
Defendants.

CASE NO.

BC531182

**COMPLAINT FOR DAMAGES FOR
VIOLATIONS OF:**

1. 15 USC §1681e(b)
2. 15 USC §1681k(a)(2)
3. 15 USC §1681b(b)(1)(A)(ii)

JURY TRIAL DEMANDED

CIT/CRSE: BC531182
LEA/DEF#: RECEIVED: 310
RECEIPT #: CCH503057103
DATE PAID: 12/19/13 02:47 PM
PAYMENT: \$435.00
CHECK: \$0.00
CASH: \$0.00
CHANGE: \$0.00
CARD: \$435.00

1 Plaintiff ODDIE L. JONES and JEROME COLLINS (hereafter as Plaintiffs") complain
 2 against Defendants LEXISNEXIS RISK SOLUTIONS, INC. and DOES 1-10 inclusive
 3 (collectively as "Defendant" or "LEXISNEXIS"), and alleges as follows:

4 5 NATURE OF THE ACTION

6
7 1. It is estimated that one in four adults in the United States have a criminal record of some
 8 kind and that more than ninety percent of all employers in the United States perform criminal
 9 background checks on job candidates.¹

10 2. Most employers are reluctant to hire people with conviction history.²

11 3. Existing law requires employers to consider certain relevant factors, including the age,
 12 nature, and severity of a job applicant's criminal record and the duties to be performed, before
 13 making an adverse employment decision based on a person's criminal record.³

14 4. It is therefore imperative that criminal background check companies provide accurate,
 15 complete, and up-to-date information about a job applicant's criminal record.

16 5. To further this compelling interest, the Congress (through the Fair Credit Reporting Act
 17 ("FCRA") under 15 USC §1681 *et seq.*) has enacted comprehensive legislation regulating the
 18 procurement and issuance of background check reports, stating that "[c]onsumer reporting
 19 agencies have assumed a vital role" and that "there is need to insure that consumer reporting
 20 agencies exercise their grave responsibilities with fairness, impartiality, and a respect for the
 21 consumer's right to privacy." 15 USC §1681(a).

22 6. The FCRA requires a background check company to follow extremely stringent
 23 procedures to ensure that whenever criminal history information is reported, it is accurate,
 24 complete, and up to date. Under 15 USC §1681e(b) a background check company "shall follow
 25

26
27 1. NAT'L CONSUMER LAW CTR., BROKEN RECORDS: HOW ERRORS BY CRIMINAL BACKGROUND CHECKING
 28 COMPANIES HARM WORKERS AND BUSINESSES (Apr. 2012), at 3. See also SOC'Y FOR HUMAN RES. MGMT.,
 29 BACKGROUND CHECKING: CONDUCTING CRIMINAL BACKGROUND CHECKS, slide 3 (Jan. 22, 2010), located at
 30 <http://www.slideshare.net/shrm/background-check-criminal> (last visited on May 2, 2012); Ben Geiger, *Comment:*
 31 *The Case for Treating Ex-Offenders as a Suspect Class*, 94 CAL. L. REV. 1191, 1193 (2006).

32 2 Harry Holzer, Steven Raphael & Michael A. Stoll, *Employer Demand for Ex-Offenders: Recent Evidence from*
 33 *Los Angeles*, Nat'l Crim. J. Ref. Svs. (March 2003), available at
 34 <https://www.ncjrs.gov/App/Publications/abstract.aspx?ID=244705>.

35 3 See generally Equal Employment Opportunity Commission, *Enforcement Guidance on the Consideration of*
 36 *Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964, as*
 37 *amended*, 42 U.S.C. § 2000e *et seq.* (Apr. 25, 2012), available at
 38 http://www.eeoc.gov/laws/guidance/arrest_conviction.cfm.

1 reasonable procedures to assure *maximum possible accuracy* of the information concerning the
2 individual about whom the report relates.” (Emphasis added).

3 7. In addition, when public records information such as criminal history information is
4 reported in the employment context, the background check company is required to “maintain
5 *strict procedures* designed to insure that...[the information reported] is complete and up to date.”
6 15 USC §1681k(a)(2) (emphasis added).

7 8. Defendant failed to fulfill its statutory duties under the FCRA, as a result of which a
8 background check report containing inaccurate, incomplete, and out-of-date concerning Plaintiff
9 was furnished to her prospective employer and Plaintiff was denied employment.

10 9. Plaintiff seeks actual damages, punitive damages, and equitable relief, including costs
11 and expenses of litigation, including attorney’s fees, and appropriate injunctive relief requiring
12 Defendants to comply with its legal obligations, as well as additional and further relief as may be
13 appropriate. Plaintiffs reserve the right to amend this Complaint to add additional relief as
14 permitted under applicable law.

15 THE PARTIES

16
17
18 1. Plaintiff ODDIE L. JONES is, and at all times relevant herein was, a resident of the
19 County of Los Angeles in the State of California

20 2. Plaintiff JEROME COLLINS is, and at all times relevant herein was, a resident of the
21 County of Los Angeles in the State of California.

22 3. Defendant LEXISNEXIS RISK SOLUTIONS, INC. is and at all times herein mentioned
23 was, a foreign corporation doing business in the State of California.

24 4. LEXISNEXIS is an entity regulated under both the FCRA and the ICRAA.

25 5. For purposes of the FCRA, LEXISNEXIS is a “consumer reporting agency” as defined
26 under 15 USC §1681a(f) because they are “person which, for monetary fees, dues...regularly
27 engages in whole or in part in the practice of assembling or evaluating consumer credit
28 information or other information on consumers for the purpose of furnishing consumer reports to
29 third parties, and which uses any means or facility of interstate commerce for the purpose of
30 preparing or furnishing *consumer reports*.” (Emphasis added).

31 6. A “consumer report” is “any written, oral, or other communication of any information by
32 a consumer reporting agency bearing on a consumer’s credit worthiness, credit standing, credit

1 capacity, *character, general reputation, personal characteristics, or mode of living* which is
 2 used or expected to be used or collected in whole or in part for the purpose of serving as a factor
 3 in establishing the consumer's eligibility for....employment." 15 USC §1681a(d) (emphasis
 4 added).

5 7. LEXISNEXIS' reports, including the background check report at issue in the present
 6 case, contain background information on consumer regarding their general reputation, character,
 7 mode of living or other personal characteristics. Among other things, LEXISNEXIS' reports
 8 typically include information regarding criminal histories.

9 8. Defendants sell background check reports to, among others, prospective employers.
 10 Plaintiff is ignorant of the Defendants sued herein as DOES 1-10, inclusive, and therefore sues
 11 those Defendants by such capacities when such information is ascertained.

12 9. Plaintiffs are informed and believe and thereon allege that each of the Doe Defendants is
 13 responsible in some manner for the occurrences herein alleged and that Plaintiffs' damages as
 14 herein alleged were proximately caused by such occurrences.

15 10. Plaintiffs are informed and believe and thereon allege that, at all times herein mentioned,
 16 Defendants DOES 1-10, were agents of each other and of the named Defendant and in doing the
 17 things alleged in this complaint, were acting in the scope of such agency and with the permission
 18 and consent of Defendants.

19 20 21 22 23 24 25 26 27 28 29 30 31 32 33

VENUE

11. Venue and jurisdiction are proper in this court pursuant to California code of Civil
 Procedure Sections 395 and 395.5. The cause of action arose in the County of Los Angeles in the
 State of California.

PLAINTIFF ODDIE L. JONES

12. On or about March, 2012, ODDIE L. JONES applied for an employment position with
 the Home Depot U.S.A., Inc. ("HOME DEPOT").

13. In connection with the application process, LEXISNEXIS issued a background check
 report which disclosed criminal history information relating to a 2005 misdemeanor conviction

1 for "assault with deadly weapon – instrument" which had been expunged or dismissed pursuant
2 to California Penal Code §1203.4 (the report is hereafter as "ODDIE L. JONES REPORT").

3 14. The dismissal occurred more than 18 months prior to the issuance of the report on
4 September 14, 2010.

5 15. While the conviction should not have been disclosed in the first place, LEXISNEXIS
6 nevertheless disclosed the conviction and without noting the fact of the dismissal.

7 16. On the basis of this criminal history information, LEXISNEXIS adjudicated JOHNE
8 DOE as "ineligible" for employment. The disclosure is as follows:

9 Case Reference#	[Redacted]
10 Case Date	10/07/2005
11 Name on File	[Redacted]
12 SSN on File	552-45-xxxx
13 DoB on File	08/20/xxxx
14 Charge	Assault with deadly weapon – instrument
15 Major/Minor Category	Violence & Threats/Weapons - Use
16 Major/Minor Category	Violence & Threats/Assault & Battery
17 Charge Type	Misdemeanor
18 Disposition	Convicted
19 Date	12/15/2005
20 Sentence	Probation 3 years. Fines and costs.

21
22 17. However, under 2 CCR §7287.4 and Cal. Lab. C. §432.7, an employer is prohibited from
23 inquiring or using any misdemeanor convictions that has been dismissed pursuant to Cal. Pen. C.
24 §1203.4 as a basis for taking any adverse employment decision against the applicant.

25 18. Under Cal. Civ. C. §1786.20, a background check company such as Defendants are
26 prohibited from disclosing any information to an employer if the "inquiry by an employer or
27 prospective employer of the consumer would violate applicable federal or state equal
28 employment opportunity law or regulation."

29 19. Under 15 USC§1681b(b)(1)(A)(ii), prior to issuing any background check report,
30 Defendants are required to obtain a certification from the employer that it will not use any
31 information from the background check reports they furnish "in violation of any applicable
32 Federal or State equal employment opportunity law or regulation."

1 20. 2 CCR §7287.4 is a California equal employment opportunity regulation.

2 21. In direct violation of Cal. Civ. C. §1786.20 and 15 USC §1681b(b)(1)(A)(ii),
3 LEXISNEXIS disclosed the dismissed misdemeanor conviction and adjudicated Plaintiff as
4 "ineligible" for employment.

5 22. On the basis of adjudication, ODDIE L. JONES was denied a valuable employment
6 opportunity.

7 23. Shortly following the receipt the ODDIE L. JONES REPORT, Plaintiff and his counsel
8 separately requested Defendants to immediately remove the negative information from Plaintiff's
9 background check report.

10 24. Despite the timely request, ODDIE L. JONES was not able to regain employment from
11 HOME DEPOT.

12 25. On or June 29, 2012, JOHNE DOE'S counsel requested a full file disclosure from
13 LEXISNEXIS pursuant to 15 USC §1681g(a)(3)(A), Cal. Civ. C. §§1786.10(c) and 1786.11
14 including a request for a copy of every investigative consumer report LEXISNEXIS provided to
15 any third party including HOME DEPOT.

16 26. In direct violation of the above-described statutes, Defendants disclosed only the revised
17 report where Plaintiff's expunged conviction was deleted. Intentionally omitted from disclosure
18 was the ODDIE L. JONES REPORT which caused Plaintiff to lose his job.

19
20 **PLAINTIFF JEROME COLLINS**

21
22 27. On or about January 24, 2012 LEXISNEXIS issued an employment background check
23 report to Plaintiff JEROME COLLINS'S employer TRUE BLUE, INC. d.b.a. LABOR READY
24 ("LABOR READY") (the report is hereafter as "JEROME COLLINS REPORT").

25 28. LABOR READY is an employment staffing company and JEROME COLLINS was on
26 assignment to work for its client the Los Angeles Food Bank. The JOHNE ROE REPORT was
27 furnished for the purpose of determining Plaintiff's eligibility for a permanent position at the
28 Food Bank.

29 29. The JEROME COLLINS REPORT disclosed JEROME COLLINS's possession of a
30 controlled substance conviction where he had successfully completed a diversion program and
31 the case was dismissed pursuant to Cal. Pen. C. §1001.3.
32
33

30. Under California law, the successful completion of the program renders "the arrest upon which the diverse was based....never occurred." Cal. Pen. C. §1001.9. "A record pertaining to an arrest resulting in successful completion of a diversion program shall not, without the divertee's consent, be used in any way that could result in the denial of any employment, benefit, license, or certificate." *Id.*

31. Thus, because the arrest was deemed "never occurred", LEXISNEXIS was prohibited from disclosing any information related to the conviction.

32. By contrast, LEXISNEXIS disclosed the same conviction *three* separate times on the JEROME COLLINS REPORT.

33. The first disclosure is as follows:

Case Reference#	[Redacted]
Case Date	07/16/2010
Name on File	[Redacted]
SSN on File	556-51-xxxx
DoB on File	12/28/xxxx
Charge	Possession of controlled substance
Charge Type	Felony
Disposition	Diversion Program
Date	07/16/2010
Sentence	Diversion; Fees \$100.00; Sentence terms next court date 1/17/12 jurisdiction
Current as of Date	7/10/2011

34. The second disclosure is as follows:

Case Reference#	[Redacted; same as disclosure 1]
Case Date	07/16/2010
Name on File	[Redacted]
SSN on File	556-51-xxxx
DoB on File	12/28/xxxx
Charge	Possession of controlled substance
Charge Type	Felony
Disposition	Diversion Program

Date	07/16/2010
Sentence	Diversion; Fees \$100.00; Sentence terms next court date 1/17/12

35. The third disclosure is as follows:

Case Reference#	[Redacted; same as disclosure 1]
Case Date	07/16/2010
Name on File	[Redacted]
SSN on File	556-51-xxxx
DoB on File	12/28/xxxx
Charge	Narcotic controlled substance cocaine
Charge Type	Felony
Disposition	Deferred judgment
Date	11/29/2010
Sentence	Diversion 18 months; fine \$100.00

36. Each of the three disclosures contains different information. Most critically, the Charge descriptions are different between the first two disclosures and the third one which would mislead a reader as to the number of crimes committed by JOHNE ROE.

37. Moreover, based on the "Current as of Date" of "07/16/10", LEXISNEXIS has failed to verify the accuracy of the information in its database for at least six months prior to the issuance of the JEROME COLLINS REPORT.

38. On the basis of the JEROME COLLINS REPORT, Plaintiff lost the permanent position for which he had worked for more than six months to obtain.

39. As a result of the erroneous JEROME COLLINS REPORT, JOHNE ROE now works at a sausage factory under extreme conditions with little pay.

DEFENDANT LEXISNEXIS

40. Under the FCRA, LEXISNEXIS is required to use "reasonable procedures to insure the maximum possible accuracy of the information reported." 15 USC §1681e(b); Cal. Civ. C. §1786.20(b).

1 41. In addition, public records information that has an adverse impact on a consumer's ability
 2 to obtain employment is reported, LEXISNEXIS must use "strict procedures" to ensure that the
 3 information reported is "complete and up to date." 15 USC §1681k(a)(2); Cal. Civ. C.
 4 §1786.28(b).

5 42. These statutory requirements have been unchanged since the enactment of the FCRA
 6 more than 40 years ago and LEXISNEXIS is well-are of the statutory mandates. It is the nation's
 7 largest background check company and has been routinely subject to law suits involving its
 8 systematic failure in complying with the legal mandates described immediately above.

9 43. Here, Plaintiffs' criminal histories are public records information and are readily
 10 available through the court systems. Plaintiffs are informed and believe that Defendants
 11 nevertheless failed to visually inspect, copy, or analyze the readily-available information in
 12 reckless disregard of the clear statutory mandate to use "reasonable," and "strict procedure" in
 13 providing background check reports that will have a detrimental impact on a consumer's ability
 14 to obtain employment.

15 44. In Los Angeles County, the cost per page for obtaining copies of court documents is \$.50
 16 per page. The Clerk's Documents and Minutes on each Plaintiff which would have provided
 17 accurate, complete and up to date information on Plaintiff's criminal history consists of only
 18 several pages at a cost of less than \$5.

19 45. In 2008, LEXISNEXIS' annual revenue from selling background check reports was
 20 approximately \$1 billion (most recent data available to Plaintiff).⁴ According to LEXISNEXIS'
 21 own publication, its nationwide "hit-rate" for a search involving somebody with a criminal
 22 history is 5.3%.⁵ In other words, LEXISNEXIS is required to conduct a more thorough search to
 23 visually inspect, copy, or analyze physical files of public information for at most 5.3% of all
 24 background checks that it provides to third-parties. Nevertheless, in a scheme to maximize
 25 profits, Defendant knowingly, gross negligently, or recklessly failed to employ a procedure that
 26 Defendants knew or should have known is necessary to insure that the public record information
 27 reported is accurate, complete, and up to date.

28 46. As a direct and foreseeable result of Defendants' wrongful conduct, Plaintiff lost a
 29 valuable employment opportunity, suffered significant economic, emotional, and mental distress,
 30

31 ⁴ BROKEN RECORDS, at 8.

32 ⁵ LexisNexis Risk Solutions Screening, LexisNexis 2012 Nonprofit Screening Review: The Positive Power of
 33 Information (2012), at p.10, located at http://img.en25.com/Web/LexisNexis/LN_NonProfit12.pdf (last visited on
 34 May 8, 2012).

1 and is at risk of losing her home as a result of Defendants' profit-maximizing measures that
2 disregard substantial potential harm to consumers.

3
4 **FIRST CAUSE OF ACTION**
5 **(Violation of 15 United States Code §1681e(b))**
6

7 47. Plaintiffs hereby incorporate by reference the allegations of paragraphs 1-50, inclusive.

8 48. Upon information and belief, Defendants have not, and currently do not, follow
9 reasonable procedures to assure maximum possible accuracy of the information concerning the
10 individual about whom the report relates.

11 49. Specifically, Defendants failed to visually inspect, copy, or analyze the readily-available
12 public records information concerning Plaintiff, which failure led to the inaccuracies in the
13 ODDIE L. JONES REPORT, and the JEROME COLLINS REPORT.

14 50. Defendant's violations were willful or reckless because Defendants were aware of their
15 obligations under the FCRA but nonetheless consciously elected to disregard their obligations.

16 51. Defendants' violations entitle Plaintiff to damages pursuant to 15 USC §§ 1681n and
17 1681o, including but not limited to the actual harms suffered by Plaintiff as a direct legal,
18 proximate, and foreseeable result of Defendant's violations as well as punitive damages.

19
20 **SECOND CAUSE OF ACTION**
21 **(Violation of 15 United States Code §1681k(b))**
22

23 52. Plaintiffs hereby incorporate by reference the allegations of paragraphs 1-50, inclusive.

24 53. Upon information and belief, Defendants failed to provide Plaintiff contemporaneous
25 notice of the fact that public record information is being reported pursuant to 15 USC
26 §1681k(a)(1) and have not and currently do not maintain strict procedures designed to insure that
27 whenever public record information which is likely to have an adverse effect on a consumer's
28 ability to obtain employment is reported it is complete and up to date.

29 54. Specifically, Defendants failed to visually inspect, copy, or analyze the readily-available
30 public records information concerning Plaintiff resulting in a report containing information that
31 is not complete and up to date.
32

1 55. Defendants' violations were willful or reckless because Defendants were aware of their
2 obligations under the FCRA but nonetheless consciously elected to disregard their obligations.

3 56. Defendants' violations entitle Plaintiff to damages Pursuant to 15 USC 1681n and 1681o,
4 including, but not limited to, the actual harms suffered by Plaintiff as a direct legal, proximate,
5 and foreseeable result of Defendants' violations as well as punitive damages.

6
7 **THIRD CAUSE OF ACTION**
8 **(Violation of 15 United States Code §1681b(1)(A)(ii))**
9

10 57. Plaintiffs hereby incorporate by reference the allegations of paragraphs 1-50, inclusive.

11 58. Upon information and belief, Defendants knowingly, intentionally, and/or recklessly
12 violated the above-referenced statute by failing to use reasonable procedures to ensure
13 compliance with the certification required under 15 USC §1681b(1)(A)(ii) despite the existence
14 of reasonable grounds to believe that the consumer reports will be used impermissibly and in
15 violation of the Federal or State equal employment opportunity law or regulation.

16 59. Defendants' violations were willful or reckless because Defendants were aware of their
17 obligations under the FCRA but nonetheless consciously elected to disregard their obligations.

18 60. Defendants' violations entitle Plaintiff to damages Pursuant to 15 USC 1681n and 1681o,
19 including, but not limited to, the actual harms suffered by Plaintiff as a direct legal, proximate,
20 and foreseeable result of Defendants' violations as well as punitive damages.

21
22
23 **PRAYER FOR RELIEF**
24

25 WHEREFORE, Plaintiff prays for judgment against Defendant, and each of them, as follows:
26

- 27 1. For a declaration that Defendants' practices violate the FCRA, 15 United States code
28 §1681 *et seq.*;
29 2. For statutory, compensatory, special, general, statutory and punitive damages according
30 to proof against all Defendants;
31 3. For interest upon such damages as permitted by law;
32 4. For an award of reasonable attorney's fees provided by law under all applicable statutes;

5. For the costs of suit;
6. For injunctive relief; and
7. For such other orders of the Court and further relief as the Court deems just and proper.

DEMAND FOR JURY TRIAL

Plaintiff hereby request and demand a jury trial on all issues triable by jury.

DATED: December 18, 2013

DEVIN H. FOK ESQ.
THE LAW OFFICES OF DEVIN H. FOK

By: _____

Devin H. Fok
Attorney for Plaintiffs

CM-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Devin H. Fok, Esq. (SBN# 256599) P.O. Box 7165 Alhambra, CA 91802		FILED Superior Court Of California County Of Los Angeles DEC 19 2013	
TELEPHONE NO.: 310-430-9933 FAX NO.: ATTORNEY FOR (Name): Plaintiffs		Sherri R. Carter, Executive Officer/Clerk By: <u>AMC</u> Deputy Amber Mayne	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles STREET ADDRESS: 111 North Hill Street MAILING ADDRESS: CITY AND ZIP CODE: Los Angeles, CA 90012 BRANCH NAME: Stanley Mosk			
CASE NAME: Jones et al. v. LexisNexis et al.			
CIVIL CASE COVER SHEET <input checked="" type="checkbox"/> Unlimited <input type="checkbox"/> Limited (Amount demanded exceeds \$25,000) (Amount demanded is \$25,000 or less)		Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)	
CASE NUMBER: BC531182		JUDGE: DEPT:	

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:		
Auto Tort <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) Other P/DP/WD (Personal Injury/Property Damage/Wrongful Death) Tort <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other P/DP/WD (23) Non-P/DP/WD (Other) Tort <input type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (18) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-P/DP/WD tort (35) Employment <input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	Contract <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Rule 3.740 collections (09) <input type="checkbox"/> Other collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) Real Property <input type="checkbox"/> Eminent domain/inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) Unlawful Detainer <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) Judicial Review <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403) <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) Enforcement of Judgment <input type="checkbox"/> Enforcement of judgment (20) Miscellaneous Civil Complaint <input type="checkbox"/> RICO (27) <input checked="" type="checkbox"/> Other complaint (not specified above) (42) Miscellaneous Civil Petition <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)

2. This case ☐ is ☒ is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- | | |
|--|--|
| a. <input type="checkbox"/> Large number of separately represented parties | d. <input type="checkbox"/> Large number of witnesses |
| b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve | e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court |
| c. <input type="checkbox"/> Substantial amount of documentary evidence | f. <input type="checkbox"/> Substantial postjudgment judicial supervision |
3. Remedies sought (check all that apply): a. ☒ monetary b. ☒ nonmonetary; declaratory or injunctive relief c. ☒ punitive
4. Number of causes of action (specify): **3: for violation of the FCRA**
5. This case ☐ is ☒ is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: 12/19/2013

Devin H. Fok

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

Page 1 of 2

SHORT TITLE: Jones et al v. LexisNexis	CASE NUMBER BC531182
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**CIVIL CASE COVER SHEET ADDENDUM AND
STATEMENT OF LOCATION
(CERTIFICATE OF GROUNDS FOR ASSIGNMENT TO COURTHOUSE LOCATION)**

This form is required pursuant to Local Rule 2.0 in all new civil case filings in the Los Angeles Superior Court.

Item I. Check the types of hearing and fill in the estimated length of hearing expected for this case:

JURY TRIAL? ☒ YES CLASS ACTION? ☐ YES LIMITED CASE? ☐ YES TIME ESTIMATED FOR TRIAL ⁵ ☐ HOURS/ ☒ DAYS

Item II. Indicate the correct district and courthouse location (4 steps – If you checked "Limited Case", skip to Item III, Pg. 4):

Step 1: After first completing the Civil Case Cover Sheet form, find the main Civil Case Cover Sheet heading for your case in the left margin below, and, to the right in Column **A**, the Civil Case Cover Sheet case type you selected.

Step 2: Check one Superior Court type of action in Column **B** below which best describes the nature of this case.

Step 3: In Column **C**, circle the reason for the court location choice that applies to the type of action you have checked. For any exception to the court location, see Local Rule 2.0.

Applicable Reasons for Choosing Courthouse Location (see Column C below)

- | | |
|--|--|
| 1. Class actions must be filed in the Stanley Mosk Courthouse, central district. | 6. Location of property or permanently garaged vehicle. |
| 2. May be filed in central (other county, or no bodily injury/property damage). | 7. Location where petitioner resides. |
| 3. Location where cause of action arose. | 8. Location wherein defendant/respondent functions wholly. |
| 4. Location where bodily injury, death or damage occurred. | 9. Location where one or more of the parties reside. |
| 5. Location where performance required or defendant resides. | 10. Location of Labor Commissioner Office |

Step 4: Fill in the information requested on page 4 in Item III; complete Item IV. Sign the declaration.

	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons (See Step 3 Above)
Auto Tort	Auto (22)	<input type="checkbox"/> A7100 Motor Vehicle - Personal Injury/Property Damage/Wrongful Death	1., 2., 4.
	Uninsured Motorist (46)	<input type="checkbox"/> A7110 Personal Injury/Property Damage/Wrongful Death - Uninsured Motorist	1., 2., 4.
Other Personal Injury/Property Damage/Wrongful Death Tort	Asbestos (04)	<input type="checkbox"/> A6070 Asbestos Property Damage <input type="checkbox"/> A7221 Asbestos - Personal Injury/Wrongful Death	2. 2.
	Product Liability (24)	<input type="checkbox"/> A7260 Product Liability (not asbestos or toxic/environmental)	1., 2., 3., 4., 8.
	Medical Malpractice (45)	<input type="checkbox"/> A7210 Medical Malpractice - Physicians & Surgeons <input type="checkbox"/> A7240 Other Professional Health Care Malpractice	1., 4. 1., 4.
	Other Personal Injury Property Damage Wrongful Death (23)	<input type="checkbox"/> A7250 Premises Liability (e.g., slip and fall)	1., 4.
		<input type="checkbox"/> A7230 Intentional Bodily Injury/Property Damage/Wrongful Death (e.g., assault, vandalism, etc.)	1., 4.
		<input type="checkbox"/> A7270 Intentional Infliction of Emotional Distress	1., 3.
		<input type="checkbox"/> A7220 Other Personal Injury/Property Damage/Wrongful Death	1., 4.

SHORT TITLE: Jones et al v. LexisNexis	CASE NUMBER
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Non-Personal Injury/ Property
Damage/ Wrongful Death Tort

Employment

Contract

Real Property

Unlawful Detainer

A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons (See Step 3 Above)
Business Tort (07)	<input type="checkbox"/> A6029 Other Commercial/Business Tort (not fraud/breach of contract)	1., 3.
Civil Rights (08)	<input type="checkbox"/> A6005 Civil Rights/Discrimination	1., 2., 3.
Defamation (13)	<input type="checkbox"/> A6010 Defamation (slander/libel)	1., 2., 3.
Fraud (16)	<input type="checkbox"/> A6013 Fraud (no contract)	1., 2., 3.
Professional Negligence (25)	<input type="checkbox"/> A6017 Legal Malpractice <input type="checkbox"/> A6050 Other Professional Malpractice (not medical or legal)	1., 2., 3. 1., 2., 3.
Other (35)	<input type="checkbox"/> A6025 Other Non-Personal Injury/Property Damage tort	2,3.
Wrongful Termination (36)	<input type="checkbox"/> A6037 Wrongful Termination	1., 2., 3.
Other Employment (15)	<input type="checkbox"/> A6024 Other Employment Complaint Case <input type="checkbox"/> A6109 Labor Commissioner Appeals	1., 2., 3. 10.
Breach of Contract/ Warranty (06) (not insurance)	<input type="checkbox"/> A6004 Breach of Rental/Lease Contract (not unlawful detainer or wrongful eviction) <input type="checkbox"/> A6008 Contract/Warranty Breach -Seller Plaintiff (no fraud/negligence) <input type="checkbox"/> A6019 Negligent Breach of Contract/Warranty (no fraud) <input type="checkbox"/> A6028 Other Breach of Contract/Warranty (not fraud or negligence)	2., 5. 2., 5. 1., 2., 5. 1., 2., 5.
Collections (09)	<input type="checkbox"/> A6002 Collections Case-Seller Plaintiff <input type="checkbox"/> A6012 Other Promissory Note/Collections Case	2., 5., 6. 2., 5.
Insurance Coverage (18)	<input type="checkbox"/> A6015 Insurance Coverage (not complex)	1., 2., 5., 8.
Other Contract (37)	<input type="checkbox"/> A6009 Contractual Fraud <input type="checkbox"/> A6031 Tortious Interference <input type="checkbox"/> A6027 Other Contract Dispute(not breach/insurance/fraud/negligence)	1., 2., 3., 5. 1., 2., 3., 5. 1., 2., 3., 8.
Eminent Domain/Inverse Condemnation (14)	<input type="checkbox"/> A7300 Eminent Domain/Condemnation Number of parcels _____	2.
Wrongful Eviction (33)	<input type="checkbox"/> A6023 Wrongful Eviction Case	2., 6.
Other Real Property (26)	<input type="checkbox"/> A6018 Mortgage Foreclosure <input type="checkbox"/> A6032 Quiet Title <input type="checkbox"/> A6060 Other Real Property (not eminent domain, landlord/tenant, foreclosure)	2., 6. 2., 6. 2., 6.
Unlawful Detainer-Commercial (31)	<input type="checkbox"/> A6021 Unlawful Detainer-Commercial (not drugs or wrongful eviction)	2., 6.
Unlawful Detainer-Residential (32)	<input type="checkbox"/> A6020 Unlawful Detainer-Residential (not drugs or wrongful eviction)	2., 6.
Unlawful Detainer- Post-Foreclosure (34)	<input type="checkbox"/> A6020F Unlawful Detainer-Post-Foreclosure	2., 6.
Unlawful Detainer-Drugs (38)	<input type="checkbox"/> A6022 Unlawful Detainer-Drugs	2., 6.

SHORT TITLE: Jones et al v. LexisNexis

CASE NUMBER

A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons (See Step 3 Above)
Asset Forfeiture (05)	<input type="checkbox"/> A6108 Asset Forfeiture Case	2., 6.
Petition re Arbitration (11)	<input type="checkbox"/> A6115 Petition to Compel/Confirm/Vacate Arbitration	2., 5.
Writ of Mandate (02)	<input type="checkbox"/> A6151 Writ - Administrative Mandamus <input type="checkbox"/> A6152 Writ - Mandamus on Limited Court Case Matter <input type="checkbox"/> A6153 Writ - Other Limited Court Case Review	2., 8. 2. 2.
Other Judicial Review (39)	<input type="checkbox"/> A6150 Other Writ /Judicial Review	2., 8.
Antitrust/Trade Regulation (03)	<input type="checkbox"/> A6003 Antitrust/Trade Regulation	1., 2., 8.
Construction Defect (10)	<input type="checkbox"/> A6007 Construction Defect	1., 2., 3.
Claims Involving Mass Tort (40)	<input type="checkbox"/> A6006 Claims Involving Mass Tort	1., 2., 8.
Securities Litigation (28)	<input type="checkbox"/> A6035 Securities Litigation Case	1., 2., 8.
Toxic Tort Environmental (30)	<input type="checkbox"/> A6036 Toxic Tort/Environmental	1., 2., 3., 8.
Insurance Coverage Claims from Complex Case (41)	<input type="checkbox"/> A6014 Insurance Coverage/Subrogation (complex case only)	1., 2., 5., 8.
Enforcement of Judgment (20)	<input type="checkbox"/> A6141 Sister State Judgment <input type="checkbox"/> A6160 Abstract of Judgment <input type="checkbox"/> A6107 Confession of Judgment (non-domestic relations) <input type="checkbox"/> A6140 Administrative Agency Award (not unpaid taxes) <input type="checkbox"/> A6114 Petition/Certificate for Entry of Judgment on Unpaid Tax <input type="checkbox"/> A6112 Other Enforcement of Judgment Case	2., 9. 2., 6. 2., 9. 2., 8. 2., 8. 2., 8., 9.
RICO (27)	<input type="checkbox"/> A6033 Racketeering (RICO) Case	1., 2., 8.
Other Complaints (Not Specified Above) (42)	<input type="checkbox"/> A6030 Declaratory Relief Only <input type="checkbox"/> A6040 Injunctive Relief Only (not domestic/harassment) <input type="checkbox"/> A6011 Other Commercial Complaint Case (non-tort/non-complex) <input type="checkbox"/> A6000 Other Civil Complaint (non-tort/non-complex)	1., 2., 8. 2., 8. 1., 2., 8. 1., 2., 8.
Partnership Corporation Governance (21)	<input type="checkbox"/> A6113 Partnership and Corporate Governance Case	2., 8.
Other Petitions (Not Specified Above) (43)	<input type="checkbox"/> A6121 Civil Harassment <input type="checkbox"/> A6123 Workplace Harassment <input type="checkbox"/> A6124 Elder/Dependent Adult Abuse Case <input type="checkbox"/> A6190 Election Contest <input type="checkbox"/> A6110 Petition for Change of Name <input type="checkbox"/> A6170 Petition for Relief from Late Claim Law <input checked="" type="checkbox"/> A6100 Other Civil Petition	2., 3., 9. 2., 3., 9. 2., 3., 9. 2. 2., 7. 2., 3., 4., 8. 2., 9.

SHORT TITLE: Jones et al v. LexisNexis	CASE NUMBER
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Item III. Statement of Location: Enter the address of the accident, party's residence or place of business, performance, or other circumstance indicated in Item II., Step 3 on Page 1, as the proper reason for filing in the court location you selected.

REASON: Check the appropriate boxes for the numbers shown under Column C for the type of action that you have selected for this case. <input type="checkbox"/> 1. <input checked="" type="checkbox"/> 2. <input type="checkbox"/> 3. <input type="checkbox"/> 4. <input type="checkbox"/> 5. <input type="checkbox"/> 6. <input type="checkbox"/> 7. <input type="checkbox"/> 8. <input type="checkbox"/> 9. <input type="checkbox"/> 10.		ADDRESS: 505 S. Long Beach Blvd., Compton, CA 90221
CITY: Compton	STATE: CA	ZIP CODE: 90221

Item IV. Declaration of Assignment: I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that the above-entitled matter is properly filed for assignment to the Stanley Mosk courthouse in the Central District of the Superior Court of California, County of Los Angeles [Code Civ. Proc., § 392 et seq., and Local Rule 2.0, subds. (b), (c) and (d)].

Dated: 12/19/2013

(SIGNATURE OF ATTORNEY/FILING PARTY)

PLEASE HAVE THE FOLLOWING ITEMS COMPLETED AND READY TO BE FILED IN ORDER TO PROPERLY COMMENCE YOUR NEW COURT CASE:

1. Original Complaint or Petition.
2. If filing a Complaint, a completed Summons form for issuance by the Clerk.
3. Civil Case Cover Sheet, Judicial Council form CM-010.
4. Civil Case Cover Sheet Addendum and Statement of Location form, LACIV 109, LASC Approved 03-04 (Rev. 03/11).
5. Payment in full of the filing fee, unless fees have been waived.
6. A signed order appointing the Guardian ad Litem, Judicial Council form CIV-010, if the plaintiff or petitioner is a minor under 18 years of age will be required by Court in order to issue a summons.
7. Additional copies of documents to be conformed by the Clerk. Copies of the cover sheet and this addendum must be served along with the summons and complaint, or other initiating pleading in the case.

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EXHIBIT “B”

TO (insert name of party being served): LexisNexis Risk Solutions, Inc.

If you are being served on behalf of a corporation, an unincorporated association (including a partnership), or other entity, this form must be signed by you in the name of such entity or by a person authorized to receive service of process on behalf of such entity. In all other cases, this form must be signed by you personally or by a person authorized by you to acknowledge receipt of summons. If you return this form to the sender, service of a summons is deemed complete on the day you sign the acknowledgment of receipt below.

Devin H. Fok

(TYPE OR PRINT NAME)

(SIGNATURE OF SENDER—MUST NOT BE A PARTY IN THIS CASE)

Notice of Case Management Conference
ADR Packet

Frederick T. Smith on behalf of
First Advantage LPS Screening
(TYPE OR PRINT YOUR NAME AND NAME OF ENTITY, IF ANY
ON WHOSE BEHALF THIS FORM IS SIGNED)
Solutions, Inc.

► Frederick T. Smith

(SIGNATURE OF PERSON ACKNOWLEDGING RECEIPT, WITH TITLE IF
ACKNOWLEDGMENT IS MADE ON BEHALF OF ANOTHER PERSON OR ENTITY)

EXHIBIT “C”

04/09/2014 10:23:30 FAX 2132499990

NATIONWIDE LEGAL

SEYFARTH SHAW LLP
 Andrew C. Crane (SBN 285211)
 acrane@seyfarth.com
 2029 Century Park East, Suite 3500
 Los Angeles, California 90067-3021
 Telephone: (310) 277-7200
 Facsimile: (310) 201-5219

UNFORMED COPY
 ORIGINAL FILED
 Superior Court Of California

APR 21 2014

Sherril H. Carter, Executive Officer/Clerk
 By: Judi Lara, Deputy

Attorneys for Defendant
 FIRST ADVANTAGE LNS SCREENING SOLUTIONS,
 INC.

SUPERIOR COURT OF THE STATE OF CALIFORNIA
 COUNTY OF LOS ANGELES

ODDIE L. JONES; and JEROME COLLINS,

Case No. BC 531182

Plaintiff,

v.

ANSWER TO COMPLAINT FOR
 DAMAGES

LEXISNEXIS RISK SOLUTIONS, INC., d.b.a.
 CHOICEPOINT, a foreign corporation doing
 business in California, and DOES 1 to 10,
 inclusive,

Date Action Filed: December 19, 2013

Defendants.

Defendant FIRST ADVANTAGE LNS SCREENING SOLUTIONS, INC.,¹ incorrectly identified in Plaintiffs' Complaint as LEXISNEXIS RISK SOLUTIONS, INC., hereby answers the unverified Complaint of Plaintiffs Oddie Jones and Jerome Collins as follows:

Pursuant to the provisions of California Code of Civil Procedure Section 431.30(d), Defendant denies, generally and specifically, each and every allegation, statement, matter and each purported cause

¹ Pursuant to an agreement reached between the parties on or about March 6, 2014, Defendant's counsel agreed to accept service of the Summons and Complaint on behalf of Defendant. Accordingly, Defendant's counsel executed and sent a Notice and Acknowledgement of Receipt form on behalf of First Advantage LNS Screening Solutions, Inc. to Plaintiffs' counsel on March 26, 2014. First Advantage Corporation acquired LexisNexis Screening Solutions, Inc. on February 28, 2013, and this entity, which is now known as First Advantage LNS Screening Solutions, Inc., is responsible for any judgment in this action.

BY FAX

1 of action contained in Plaintiffs' Complaint. Without limiting the generality of the foregoing, Defendant
2 also denies, generally and specifically, that Plaintiffs have been damaged in the manner or sums alleged,
3 or in any way at all, by reason of any acts or omissions of Defendant.

4 **SEPARATE DEFENSES**

5 In further answer to Plaintiffs' Complaint, Defendant asserts the following additional defenses.
6 In asserting these defenses, Defendant does not assume the burden of proof as to matters that, pursuant
7 to law, are Plaintiffs' burden to prove.

8 **FIRST DEFENSE**

9 1. The Complaint and each cause of action therein fails to set forth facts sufficient to state a
10 claim upon which relief may be granted against Defendant.

11 **SECOND DEFENSE**

12 2. Plaintiffs sustained no injuries, damages or loss by reason of any act of Defendant.

13 **THIRD DEFENSE**

14 3. Plaintiffs' damages, if any, were not caused by Defendant, but by the acts or omissions of
15 another person or entity over whom Defendant has neither control or responsibility.

16 **FOURTH DEFENSE**

17 4. Plaintiffs' claims are barred in whole or in part by the applicable statutes of limitations.

18 **FIFTH DEFENSE**

19 5. Any statements or actions alleged by Plaintiffs to have been made or done by Defendant,
20 if made or done, were made or done after investigation and on the basis of reasonable grounds for belief
21 in their truth and correctness, with an honest belief in their truth and correctness, and in good faith and
22 without reckless disregard or malice.

23 **SIXTH DEFENSE**

24 6. Assuming *arguendo* that any of the actions alleged in the Complaint were taken by
25 Defendant, such actions were taken in good faith and were a lawful exercise of sound discretion of
26 Defendant's legal rights, and were based on a rational, reasonable consideration of the facts.

SEVENTH DEFENSE

7. If Defendant engaged in the acts complained of in Plaintiffs' Complaint, which it denies, then such acts were privileged, justified and/or taken in accordance with applicable law and/or Defendant's policies and procedures.

EIGHTH DEFENSE

8. Defendant followed reasonable procedures to assure maximum possible accuracy of the information concerning Plaintiffs in any consumer reports relating to them and otherwise made good faith efforts to comply with the Fair Credit Reporting Act, 15 U.S.C. § 1681 *et seq.* ("FCRA").

NINTH DEFENSE

9. Plaintiffs are not entitled to punitive damages because Defendant made good faith efforts to comply with the FCRA.

TENTH DEFENSE

10. To the extent Plaintiffs failed to mitigate their alleged damages, their recovery, if any, must be reduced accordingly.

RESERVATION OF RIGHTS

11. Defendant presently has insufficient knowledge or information upon which to form a belief whether there may be additional, as yet unstated, defenses, and reserves the right to assert additional defenses in the event that discovery and/or investigation indicates that such defenses are appropriate.

PRAYER

Wherefore, Defendant prays for judgment as follows:

1. That Plaintiffs' Complaint be dismissed in its entirety and with prejudice with respect to Defendant, with costs taxed against Plaintiffs;

///

///

///

///

///

2. That Defendant recover from Plaintiffs its expenses of litigation; and
3. That Defendant recover such other and additional relief as the Court deems proper.

Respectfully submitted,

SEYFARTH SHAW LLP

By: 

Andrew C. Crane
Attorneys for Defendant
FIRST ADVANTAGE LNS SCREENING
SOLUTIONS, INC.

DATE: April 21, 2014

PROOF OF SERVICE

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss

I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. My business address is 2029 Century Park East, Suite 3500, Los Angeles, CA 90067. On April 21, 2014, I served the within documents:

ANSWER TO COMPLAINT FOR DAMAGES

by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Los Angeles, California addressed as set forth below.



by serving the document(s) listed above to the person(s) at the address(es) set forth below via Federal Express Delivery.



by causing Nationwide Legal to deliver the above named document to the party(s) at the address as set forth below:

THE LAW OFFICES OF DEVIN H. FOK

Devin H. Fok, Esq.
P.O. Box 7165
Alhambra, CA 91802-7165
Telephone: (310) 430-9933
Facsimile: (323) 563-3445
E-mail: devin@devinfoklaw.com

Attorneys for Plaintiff
ODDIE JONES
and
JEROME COLLINS

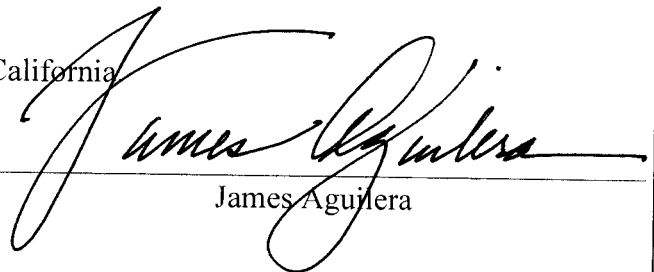
A NEW WAY OF LIFE REENTRY PROJECT

Joshua E. Kim, Esq.
11211 S. Western Avenue
Los Angeles, CA 90047
Telephone: (323) 563-3575
Facsimile: (323) 563-3445
E-mail: joshua@anewwayoflife.org

I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after the date of deposit for mailing in affidavit.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on April 21, 2014, at Los Angeles, California


James Aguilera

PROOF OF SERVICE